



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 3713.1

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**Subject: Procedures for Providing Reasonable
Accommodation for Individuals with Disabilities w/Change 1
(4/8/04)**

Responsible Office: Office of Diversity & Equal Opportunity

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Change History

NPR 3713.1, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

Chg#	Approved	Description/Comments
1	04/08/04	Deletions of paragraph, references, etc, per Jennings memo dated 12/5/03 and administrative changes made throughout to change NPG to NPR.

Preface

P.1 Purpose

These NASA Procedural Requirements (NPR) provide instructions for the implementation of NASA Policy Directive (NPD) 3713.8, "Provision of Reasonable Accommodation for Individuals With Disabilities. This NPR provides instructions to NASA staff who receive, coordinate, review, process, and approve requests for reasonable accommodation at NASA Headquarters and NASA Centers, including component facilities. This NPR further provides standard procedures for timely and accurate processing of requests for reasonable accommodation. These procedures will assist NASA in fulfilling its obligations for ensuring that individuals with disabilities who request reasonable accommodation receive a proper response within the shortest time possible. Further, this NPR establishes criteria for collecting and annually reporting data on the numbers and types of reasonable accommodation requests received and processed at NASA Headquarters and NASA Centers, including component facilities.

P.2 Applicability

This NPR is applicable to NASA Headquarters and NASA Centers, including component facilities.

P.3 Authority

a. 29 U.S.C. 791 Sections 501, 504 and 508 of the Rehabilitation Act of 1973, as amended.

b. Executive Order 13164 of July 26, 2000, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation."

c. NPD 3713.8, "Provision of Reasonable Accommodation for Individuals With Disabilities"

P.4 References

a. 5 U.S.C. 552a, The Privacy Act of 1974, as amended.

b. 29 U.S.C. 794d, "Electronic and Information Technology."

c. The National Aeronautics and Space Act of 1958, as amended.

d. 38 U.S.C 4214, Section 403 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

e. 29 CFR 1614.105, 1614.106, 1614.203, and 1614.204 Federal Sector Equal Opportunity

f. 14 CFR Part 1212, Privacy Act-NASA Regulations

g. Executive Order 12106 of December 28, 1978, "Transfer of Certain Equal Employment Enforcement Functions"

h. Executive Order 13164 of October 20, 2000

i. EEOC Enforcement Guidance: Reasonable Accommodation of March 1, 1999

j. EEOC Guidance on Reasonable Accommodation

k. EEOC Guidance on Disability-Related Inquire of July 27, 2002

l. EEOC Management Directive (MD) 715

m. NPR 1840.1, Management of Workers' Compensation Injuries and Illnesses

P.5 Cancellation

NPR 2080.1A, dated December 18, 2002, to correct subject classification number.

Original signed by

/S/ George E. Reese
Assistant Administrator for
Equal Opportunity Programs

Chapter 1. NASA Policy on Reasonable Accommodations

1.1 NASA's policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended. Under the law, Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. NASA is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities have full access to equal employment opportunity. These requirements cover applicants for, and employees in part-time and full time positions. These requirements also apply to NASA interns, fellows, coops, visiting scientists and detailees that are not in a civil service status. NASA provides reasonable accommodations:

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1.2 NASA will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner.

Chapter 2. Definitions

2.1 Decision Maker (DM)

The person who determines whether or not a request for reasonable accommodation is granted. In the case of an employee, the DM will, in most cases, be his/her immediate supervisor. In the case of an applicant, it shall be the Human Resources Specialist (HRS) who has been assigned to process the vacancy. In cases where the employee's immediate supervisor or the HRS processing the vacancy is not available to receive and process a request for reasonable accommodation, the Center's Equal Opportunity (EO) Officer will be the DM.

2.2 Disability Program Manager (DPM)

Normally, a member of the Agency's or Center's Office of Equal Opportunity Programs staff whose responsibilities include administering the Special Emphasis Program (SEP) for Individuals with Disabilities. In some cases, the duties of a DPM may be performed on a collateral duty basis by a person permanently assigned to an operational component other than the Headquarters or Center's Office of Equal Opportunity Programs.

2.3 Essential Functions

Those job duties that are so fundamental to the position that the individual holding or desiring that cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function if it were assigned to them; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be made on a case-by-case basis so that the current duties of the position reflect the job as actually performed, and not simply the components of a generic position description.

2.4 Individual with Disability

One who: (1) has a physical or mental impairment which substantially limits one or more of the person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

2.5 Qualified Individual with a Disability

An individual with a disability is qualified if (1) she/he satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) she/he can perform the essential functions of the position, with or without reasonable accommodation, without endangering his/her health and safety or the safety of others within the work environment.

2.6 Reasonable Accommodation

An adjustment made to the job requirements and/or any change in the work environment enabling a qualified individual with a disability to perform the essential duties of the job to

which she/he is assigned, thereby enabling the individual to enjoy equal employment opportunities. In addition, reasonable accommodation may include, but shall not be limited to:

2.7 Reassignment

Reassignments are made without competition and only to vacant positions at the same or at a lower grade if an equal grade position is not available, and for employees who are qualified for the position.

2.8 Undue Hardship

If a specific type of accommodation causes significant difficulty or expense, NASA may not have to provide that particular accommodation. A determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the accommodation needed, and the impact of the accommodation on safety and other operations of the Agency.

2.9 Physical or Mental Impairment

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.

2.10 Major Life Activities

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

2.11 Complaint

A formal complaint is a signed statement by a disabled individual or their designated representative that contains the disabled individual's name, address, and telephone number, and describes the discrimination alleged to have occurred in enough detail to sufficiently inform NASA of the nature and date of the occurrence. Complaints filed on behalf of classes, or third parties, must also describe all individuals who are alleged to have been subjected to improper discrimination.

Chapter 3. Requests for Reasonable Accommodation

3.1 A request for reasonable accommodation is a statement that an individual with a disability needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a mental or physical condition. The request can be initiated orally or in writing, or in any other format or medium that is convenient and practical for the individual with the disability. The reasonable accommodation process begins immediately in terms of the time frames indicated in these guidelines. When a request for reasonable accommodation is made, the requesting employee's immediate supervisor or in the case of an applicant, the appropriate HRS receiving the request, shall immediately notify the installation's DPM who will, in turn, notify the EO Officer. NASA encourages supervisors, managers, employees, or applicants to consult with the DPM at their respective installation for further information or assistance in connection with requesting or processing a reasonable accommodation request.

3.2 A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." An individual with a disability may request a reasonable accommodation whenever she/he chooses, even if she/he has not previously disclosed the existence of a disability. A family member, health professional, or other representative may also request an accommodation on behalf of a NASA employee or applicant. Any NASA employee or applicant may consult the Agencywide, Headquarters or Center's DPM for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

3.3 The Office of Equal Opportunity Programs (OEOP) personnel shall maintain and safeguard all records and documents following the guidance provided in NPR 1441.1, NASA Records Retention Schedules. This includes proposing changes to current retention schedules and developing new retention schedules when necessary.

Chapter 4. Written Requests for Record Keeping Purposes

4.1 In order for NASA to keep accurate records regarding requests for reasonable accommodation, employees seeking a reasonable accommodation must follow up an oral request by completing the NASA Form 1699, Request for Reasonable Accommodation (see Appendix A), or submitting the request in an alternative format, as

appropriate, to the immediate supervisor. If an alternative format is used, the immediate supervisor will transfer the information to NASA Form 1699. For applicants seeking a reasonable accommodation, they shall follow-up an oral request by submitting a written request to the HRS processing the vacancy. Applicants do not need to complete a NASA Form 1699.

4.2 NASA Form 1699, or in the case of applicants, a written request, should be completed as soon as possible, but not later than 5 days after an initial oral request is made. In any event, NASA will begin processing the request as soon as the request, in whatever form, is received. The Headquarters or Center's DPM shall be provided with a copy of the completed NASA Form 1699, or the written request from the applicant, as soon as possible. Upon receipt of the written request, the DPM shall inform the Center's EO Officer of his/her receipt of a copy of the request. The Center's EO Officer shall be kept informed by the DPM of the progress in the processing of the request.

4.3 A NASA Form 1699 for every instance is not required when an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters or readers). A NASA Form 1699 is required only for the first request, although appropriate notice must be given each time the accommodation is needed.

4.4 NASA Form 1699 will be filed with, safeguarded, and disposed of by the Headquarters or Center Office of Equal Opportunity Programs (OEOP) in accordance with guidance provided in NPR 1441.1, NASA Records Retention Schedules, and the confidentiality requirements of the Rehabilitation Act.

Chapter 5. Determining Which NASA Official Will Handle the Request

5.1 The person who decides whether or not to grant the request for reasonable accommodation shall be the employee's immediate supervisor or, in the case of an applicant, the HRS processing the vacancy. These individuals shall be referred to as the "Decision Maker (DM)." In cases where the request is submitted to someone other than the immediate supervisor or the appropriate HRS, the request should be referred by the person receiving the initial request to the Center's Office of Equal Opportunity Programs (OEOP) for review and processing. A person designated by the Headquarters or Center OEOP shall contact the immediate supervisor or HRS, as appropriate, as soon as possible to alert him/her of the receipt of a request for reasonable accommodation. The person designated by the OEOP will continue to process the request until a

determination to grant or deny the request is made by the Center's EO Officer which, in this case, will be the DM.

5.2 An employee or applicant for Federal employment with NASA can make a request for a reasonable accommodation to any member of Headquarters or Center management, staff member in the Headquarters or Center OEOP, or Personnel Office. Processing of a request for a reasonable accommodation shall begin upon receipt of the initial request.

Chapter 6. The Interactive Process

6.1 Once a request for reasonable accommodation is received, the interactive process begins in order to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the DM must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

6.2 Communication is a priority throughout the entire process. The DM will have the principal responsibility for identifying possible accommodations. She/he will take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance (see Appendix B). The employee requesting the accommodation shall also participate to the extent possible in helping to identify an effective accommodation. The Headquarters, Center, or Agencywide DPM shall be available to provide assistance and help resolve any obstacles that may arise during the process, as well as the NASA or contractor physician, or other representative from the Occupational Health Office (OHO), Employee Assistance Program (EAP) personnel, Facilities specialists, Information Technology specialists, Compensation Claims Specialists, and any other professionals deemed necessary, as appropriate.

6.3 When a request for accommodation is made by a third party, the DM should, before proceeding, confirm with the applicant or employee with a disability that, in fact, she/he wants a reasonable accommodation. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, NASA will process the third party's request and will consult directly with the individual needing the accommodation as soon as it is practicable.

6.4 Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible accommodations. In those cases

where the disability, the need for accommodation, and the type of accommodation which shall be provided is clear, extensive discussions are not necessary. Nevertheless, the DM and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.

6.5 The DM or any other NASA official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request with other agency officials only when those other agency official(s) need to know the information in order to make determinations on an accommodation request, or to assist the DM in making such a determination. (See chapter 9 for specific rules governing the confidentiality of medical information.)

Chapter 7. Reassignments

7.1 A reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.

7.2 In considering whether there are positions available for reassignment, the DM shall work with both the Headquarters or Center Office of Human Resources (OHR) and the individual requesting the accommodation to identify: (1) all vacant positions within the Agency for which the employee is qualified, with or without reasonable accommodation; and (2) all positions which OHR has reason to believe will become vacant over the next 60 business days and for which the employee is qualified. NASA shall initially focus on positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, NASA will consider vacant lower level positions for which the individual is qualified.

7.3 A reassignment can be granted as an accommodation to a qualified probationary and career employee and may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, NASA will not pay for the employee's relocation costs if the position is outside the commuting area. In addition, a qualified employee with a disability requesting accommodation can be offered a reassignment as a reasonable accommodation to a position for which a vacancy announcement has been published as long as a selection to fill the position has not been made.

Chapter 8. Requests for Medical Information

8.1 NASA is entitled to know that an employee or applicant has a disability that requires an accommodation. In cases where the disability and need for accommodation is obvious or otherwise already known to the DM, the Agency will not seek additional medical documentation from the requestor. However, when a disability and/or need for accommodation is not obvious or otherwise already known to the DM, NASA may require reasonable documentation from the individual regarding the disability and his or her functional limitations.

8.2 If the DM, with assistance from a NASA or contractor physician at their respective installation, believes that medical information is necessary in order to evaluate a request for accommodation, she/he shall request such information from the person seeking accommodation(s). If medical information is not necessary, the processing of the request for accommodation shall continue.

8.3 If a determination is made to seek medical information, a request for medical and other information pertaining only to the disability that requires accommodation can be made in order to substantiate that the individual has a disability and needs the accommodation requested. The DM (with appropriate consultation), will seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful information possible, all requests for information shall describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

8.4 Once the medical documentation is received, the DM, in consultation with the Medical Director or other NASA chosen physician, if appropriate, shall evaluate it. If the information provided by the health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to allow the DM (with appropriate consultation), to determine whether an accommodation is appropriate, the DM may ask for additional information. However, the DM shall first explain to the individual seeking the accommodation, in specific terms, why the information which has been provided is insufficient, what additional information is needed, and why it is necessary for a determination on the accommodation request.

8.5 Alternatively, the individual seeking accommodation may sign a limited release reviewed by the Center/Component Facility's Office of Chief Counsel or, at Headquarters, the Office of the General Counsel, authorizing NASA to contact his/her health care provider directly. If, after a reasonable period, there is still not sufficient information to demonstrate that the individual has a disability and needs an

accommodation, the DM may request that the individual be examined by a NASA or contractor physician chosen by NASA and at NASA's expense. This examination must be limited to determining the existence of a disability and/or the functional limitations that require accommodation.

8.6 In some cases, the individual requesting the accommodation will supply medical information directly to the DM without being asked. In these cases, the DM shall consider such documentation (with appropriate consultation), and if additional information is needed, the DM shall work with the physician or other health professional chosen by NASA as set forth in this chapter.

8.7 NASA must explain to the individual with a disability that the failure to provide appropriate documentation or to cooperate with NASA's efforts to obtain such documentation may result in a denial of the requested accommodation.

Chapter 9. Confidentiality Requirements Regarding Medical Information Obtained In the Reasonable Accommodation Process

9.1 Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations that NASA obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. It also means that any NASA employee who obtains or receives such information is strictly bound by the requirements of the Privacy Act of 1974 (5 U.S.C. 552a).

9.2 The EO Officer for each NASA installation will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, excluding medical documents and Agency attorney work products. Medical documents shall be maintained by the Occupational Health Unit Medical Records facility. The responsibilities of the installation's EO Officer shall include responding to all requests for disclosure of the records. All records shall be maintained in accordance with the Privacy Act of 1974 and the requirements of NASA regulations implementing the Privacy Act of 1974 at 14 CFR Part 1212.

9.3 Individuals and organizations to whom information may be disclosed can include, but not limited to:

a. Supervisors and managers, including the DM who requested the medical information, who need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s).

b. First aid and Occupational Health and Safety personnel, if the disability may require emergency treatment or assistance with building evacuation during emergencies.

c. Federal Government officials who need the information in order to determine the Agency's compliance with the Rehabilitation Act of 1973, as amended.

9.4 Whenever medical information is disclosed, the individual disclosing the information shall inform the recipients of the information that they are strictly bound by the requirements of the Privacy Act of 1974.

Chapter 10. Time Frames for Processing Requests and Providing Reasonable Accommodation

10.1 NASA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, as soon as reasonably possible. NASA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

10.2 Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 20 business days discussed below. This includes where a reasonable accommodation is needed as follows:

a. To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the DM's at all NASA Installations need to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.

b. To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 business days.

10.3 If a request for an accommodation requires no supporting medical information, and no extenuating circumstances apply, the request shall be processed and the accommodation provided in no more than 20 business days from the date that the request was first made.

10.4 If the DM believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, she/he shall make such request as soon as possible after receipt of the request for reasonable accommodation, but before the expiration of the 20-business days period. NASA recognizes that the need for documentation may not become apparent until after the interactive process has begun. NASA also recognizes that in cases where a reassignment is necessary, the process may not be completed within the 20-business day period.

10.5 If the DM requests that a physician or other health professional chosen by NASA obtain medical information, the running of the 20-business days period shall stop. If the physician or other health professional chosen by NASA determines that medical information is not needed, the running of the 20-business day time period shall resume as soon as the DM is notified by the physician or other health professional chosen by NASA of his/her determination.

10.6 If the physician or other health professional chosen by NASA determines that medical documentation is not needed, the DM shall be informed of the determination as soon as possible. The DM shall make his/her determination on the request for accommodation and if appropriate, provide the accommodation within 20 business days from the date the DM received the relevant information from the physician or other health professional chosen by NASA.

10.7 Examples of reasonable accommodations that can easily be provided within this 20-business days time frame include:

- a. An employee with diabetes who sits in an open area asks for four breaks a day to test his/her blood sugar levels so that s/he may do these tests in private.
- b. An employee who takes antidepressants which make it hard for him/her to get up in time to get to the office at 9 a.m., requests that core hour requirements be modified and be allowed to start work at 10 a.m. and still put in an 8-hour day.
- c. A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the disability makes it difficult to read quickly and needs more time to prepare.

10.8 Extenuating Circumstances: These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for accommodation and providing the accommodation will be extended, as necessary. Extensions based on extenuating circumstances shall be limited. NASA staff is expected to act as quickly as possible, but not take longer than 20 business days to process requests and provide accommodations. The following are examples of extenuating circumstances:

- a. There is an outstanding initial or follow-up request for medical information, or the physician or other health professional chosen by NASA is evaluating medical information which has been provided.
- b. The purchase of equipment may take longer than 20 business days because of requirements under the Federal Acquisition Regulations.
- c. Equipment must be back-ordered because the vendor typically used by NASA for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- d. The employee with a disability needs to work with equipment on a trial basis to ensure that it is effective before NASA executes a final purchase.
- e. New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

10.9 "Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, NASA may not delay processing or providing an accommodation because a particular staff member is unavailable.

10.10 Where extenuating circumstances are present, the DM shall notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes shall also be communicated promptly by the DM to the individual, including other extenuating circumstances that would modify or limit the Agency's ability to provide the reasonable accommodation.

10.11 If there is a delay in providing an accommodation which has been approved, the DM shall determine whether temporary measures can be taken to assist the employee.? This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation.? In addition, the DM may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (a) they do not interfere with the operations of the Agency; and (b) the employee is clearly informed that they are being provided only on a temporary, interim basis.

a. For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the DM might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

b. If a delay is attributable to the need to obtain or evaluate medical documentation and NASA has not yet determined that the individual is entitled to an accommodation, NASA may also provide an accommodation on a temporary basis. In such a case, the DM will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

10.12 DM's who approve such temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

Chapter 11. Granting a Reasonable Accommodation Request

11.1 As soon as the DM determines that an accommodation will be provided, she/he shall immediately communicate the decision orally or in writing to the individual within the time frame provided in chapter 10. If the DM initially communicates the determination orally, she/he must follow-up with a written record using NASA Form Disposition of Reasonable Accommodation Request 1699A (see Appendix A). Each installation will make a determination regarding how funding will be provided to support the provision of reasonable accommodation.

11.2 OEOP personnel shall maintain and safeguard all records and documents following the guidance provided in NPR 1441.1D, NASA Records Retention Schedules. This includes proposing changes to current retention schedules and developing new retention schedules when necessary.

Chapter 12. Denial of a Reasonable Accommodation Request

12.1 As soon as the DM determines that a request for accommodation will be denied, and after consultation with Headquarters or Center EO Officer, she/he shall fill out a NASA Form 1699A and give it to the individual who requested the accommodation. In cases where an alternate format is appropriate, the notification shall be provided in the relevant format. The explanation for the denial shall be written in plain language, clearly

stating the specific reasons for the denial. Where the DM has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the NASA Form 1699A shall contain an explanation of both the reasons for the denial of the requested accommodation and the reasons that the DM believes that the chosen accommodation will be effective. Reasons for the denial of a request for accommodation may include, but is not limited to the following (keeping in mind that the actual notice to the individual must include, but is not limited to specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship):

- a. The requested accommodation would not be effective.
- b. Providing the requested accommodation would result in undue hardship. Before reaching this determination, the DM (with appropriate consultation), shall determine whether other effective accommodations exist which would not impose undue hardship and therefore, can be provided. When evaluating budgetary or administrative concerns to determine if undue hardship exists, NASA will follow the regulatory standards in 29 CFR 1614.203(c)(3).
- c. Medical documentation is inadequate to establish that the individual has a disability and/or needs an accommodation.
- d. The requested accommodation would require the elimination of an essential function.
- e. The requested accommodation would require the lowering of a performance standard (e.g., safety, quality, reliability, etc.)

12.2 With notification of denial, the DM shall also inform the individual that she/he has the right to file an EEO complaint and the procedures available for informal dispute resolution.

If an employee or applicant for employment believes that she/he has been discriminated against because of disability by the Agency's denial of a request for accommodation, she/he may consult an Equal Employment Opportunity (EEO) Counselor at the respective NASA installation within 45 days of receipt of the determination, in accordance with 29 C.F.R. 1614.105(a)(1).

Chapter 13. Information Tracking and Reporting

13.1 The NASA Headquarters and Center EO Officer, as appropriate, shall maintain the accommodation request records for either the length of the employee's tenure with NASA or 5 years, whichever is longer. The files will be safeguarded to protect the individual's privacy in accordance with the Privacy Act of 1974. She/he will prepare an annual report containing the following information, presented in the aggregate:

- a. The number of accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied.
- b. The number of accommodations, by job type, requested by employees.
- c. The number of accommodations approved, by job type, and the number of accommodations, by type, that have been denied.
- d. The number of requests that required further medical information.
- e. Reasons for denial.
- f. Number and type of accommodations requested related to privileges of employment.
- g. Amount of time (in days) taken to process requests.
- h. Sources of technical assistance consulted.

13.2 In addition, the report shall provide a qualitative assessment of the reasonable accommodation program, including any recommendations for improvement of NASA's reasonable accommodation policies and procedures.

13.3 OEOP personnel shall maintain and safeguard all records and documents following the guidance provided in NPR 1441.1D, NASA Records Retention Schedules. This includes proposing changes to current retention schedules and developing new retention schedules when necessary.

Chapter 14. Relation of Procedures to Statutory and Collective Bargaining Claims

14.1 This policy is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for

reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

14.2 An individual who chooses to pursue statutory antidiscrimination remedies for denial of reasonable accommodation shall contact an EEO counselor at his/her respective installation within 45 days from the date of receipt of the written notice of denial.

14.3 Individuals, including NASA EO Office representatives (e.g. EO Officer or person designated by the EO Officer to process complaints in connection with reasonable accommodation requests) who have served as a DM shall excuse themselves from engaging in EEO counseling or complaint processing in connection with the specific request.

Chapter 15. Inquiries

Any person wanting further information concerning these procedures may contact the Center DPM. They may also contact the Agencywide DPM at NASA Headquarters in Washington, DC, at (202) 358-2167, TTY (202) 358-3748.

Chapter 16. Distribution

These procedures shall be available to all employees upon issuance by electronic posting in the NASA Online Directive Information System (NODIS). They shall also be posted on the installation's Equal Opportunity Web page, if applicable, and included in employee handbooks. Copies also shall be made available in an installation's library, Equal Opportunity Office, and the Office of Human Resources. They shall also be distributed to all new employees as part of their orientation on their first day of work.

These procedures will be provided in alternative formats, including simplified format, when requested by or on behalf of, any NASA employee. Additional information regarding reasonable accommodation matters can be obtained by accessing the U.S. EEOC's web site: (www.eeoc.gov).

Appendix A. NASA Forms 1699 and 1699A

Click [here](#) to retrieve NASA Form 1699

Click [here](#) to retrieve NASA Form 1699A

Appendix B. Resources

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>

A service of the U.S. Department of Labor, Office of Disability Employment Policy (ODEP) formerly the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the Americans with Disabilities Act of 1990. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(703) 838-0030 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org/>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include: information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products), centers where individuals can try out devices and equipment, assistance in obtaining funding for and repairing devices, and equipment exchange and recycling programs.